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August 21, 2012

Mr. Mark Cowin, Director  
Attn: Zaffar Eusuff  
California Department of Water Resources  
Division of Integrated Regional Water Management  
Financial Assistance Branch  
Post Office Box 942836  
Sacramento, CA 94236  
Email: DWR\_REWM@water.ca.gov

RE: Comments on IRWM Grant Program 2012 Funding Guidelines

Dear Mr. Cowin:

The Sycuan Band of the Kumeyaay Nation ("Sycuan Band") is a federally-recognized Indian Tribe organized under Articles of Association initially approved by the Secretary of Interior on August 18, 1972. The Sycuan Band has reviewed the Integrated Regional Water Management Draft Guidelines July 2012 and provides the following comments.

The California Department of Water Resources' (DWR), Integrated Regional Water Management (IRWM) Grant Program, is designed to encourage integrated regional strategies for the management of water resources, and to provide funding for the implementation of projects that support integrated water management. As proposed, the funding guidelines, established by DWR for the IRWM Grant Program, include conditions that restrict, if not prohibit participation by Tribal Governments, and that fail to recognize the sovereign status of federally recognized Tribes. In order for the IRWM Grant Program to begin to achieve its basic tasks, the Grant Program 2012 Funding Guidelines must be revised in a manner that facilitates government-to-government agreements and reflects the sovereign status of Tribal Governments. With these changes in place, the DWR will begin to realize its goals and achieve an integrated water management program.

There are 18 federally recognized Indian Reservations in the County of San Diego encompassing more than 200 square miles. Twelve (12) of these sovereign governments are from the Kumeyaay Nation. The Kumeyaay aboriginal territory was recognized by the California State Assembly in



2002 to have spanned the southern California and Baja California regions for thousands of years from the Pacific Ocean to the desert approximately 75 miles north and 75 mile south of the international border separating the United States and Mexico.

The physical location of federally recognized Indian Reservation and Kumeyaay aboriginal territory is critical to regional integrated planning as these lands are in the heart of each major watersheds and hydrologic regions in southern San Diego County. Tribal governments, their land holdings, and their operations are separate and distinct from other federal land management agencies such as the National Forest Service, Bureau of Land Management, Fish and Wildlife Service and Department of Defense. Tribal Governments are uniquely connected to water resources through the combination of governmental, economic development and community development occurring on their lands and therefore should be an intricate part of regional water planning efforts.

Three (3) primary adjustments to the 2012 Guidelines listed below are necessary not only for the focus of the regional IRWM (such as resolving significant water-related conflicts within or between regions; addressing water supply and water quality; integrating water management with land use planning; providing multiple benefits for water quality improvement, ecosystem benefits, reduction of instream erosion and sedimentation, and groundwater recharge) but also for any likelihood of success to address the eight (8) Statewide Priorities.

1. Revise the California Environmental Quality Act (CEQA) compliance mandate for activities funded under the IRWM Grant program:
  - a) To exempt projects occurring on tribal lands.
  - b) To include language addressing the requirement for lead agencies adopting a Negative Declaration (ND) or Environmental Impact Reports (EIRs) affecting tribal lands from notification of preparation to a mandate for early and meaningful government-to-government consultation prior to the start of work on a ND or EIR.
  - c) To strengthen the information in Appendix D to mandate early and meaningful government-to-government consultation.
2. Revise the Financial Statements and CEQA/NEPA statement of conditions to recognize the confidential nature of tribal government financial records and the non applicability of CEQA to tribal lands.
3. Implement Special Benefit to address Critical Disadvantaged Communities? DAC Water Issues, Special benefits to Critical Water Issues for Native American Tribal Communities and Environmental Justice.

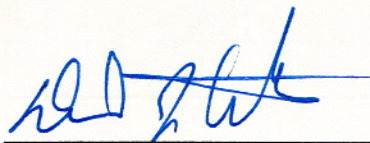


- a) Similar to the special 10% appropriation for DAC water issues, special appropriation should be made for federally recognized tribes in San Diego County.
- b) Implement a Tribal Assistance Pilot Program to improve tribal participation and to facilitate the implementation of projects unique to Tribal lands.
- c) Require consultation with tribal leaders regarding the Disadvantage Community map to better reflect only those federally recognized Indian reservations with an annual median household income that is less than 80 percent of the Statewide annual median household income.
- d) Environmental Justice issues are paramount for Native American communities and Tribal Government to redress inequitable distribution of environmental burdens and access to environmental goods - especially IRWM funding. Furthermore, the evaluation of proposals that include ranking criteria tied to the California Water Plan places Southern California Tribal Governments and tribal lands at a further disadvantage. The California Water Plan process concentrated on activities and concerns heavily weighted in favor of California Central Valley with the heavy emphasis on the Bay Delta. In addition, California Water Plan meetings were exclusively held in Sacramento preventing equitable involvement of geographically distant tribal lands.

Without addressing the issues identified in this letter, in particular the CEQA mandate for Tribal lands, and a concerted effort to increase tribal participation at all levels of the IRWM program, it will be difficult to achieve the stated goals of the IRWM Grant program and achieve an Integrated Water Management Program that includes the Native American tribal communities.

Should you need any additional information, please contact Lisa Haws, Environmental and Cultural Resource Manager, at 619-445-4564, ext 1063. Thank you.

Sincerely,



Daniel J. Tucker, Chairman

cc: Leslie Cleveland, Water Resources Manager, Bureau of Reclamation